

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-0278-MWD-E **TCEQ ID:** RN101700201 **CASE NO.:** 32742**RESPONDENT NAME:** Anthony John Riedel dba Hickory Hollow Inn**ORDER TYPE:**☒ 1660 AGREED ORDER☐ FINDINGS AGREED ORDER☐ FINDINGS ORDER FOLLOWING  
SOAH HEARING☐ FINDINGS DEFAULT ORDER☐ SHUTDOWN ORDER☐ IMMINENT AND SUBSTANTIAL  
ENDANGERMENT ORDER☐ AMENDED ORDER☐ EMERGENCY ORDER**CASE TYPE:**☐ AIR☐ MULTI-MEDIA (check all that apply)☐ INDUSTRIAL AND HAZARDOUS WASTE☐ PUBLIC WATER SUPPLY☐ PETROLEUM STORAGE TANKS☐ OCCUPATIONAL CERTIFICATION☒ WATER QUALITY☐ SEWAGE SLUDGE☐ UNDERGROUND INJECTION CONTROL☐ MUNICIPAL SOLID WASTE☐ RADIOACTIVE WASTE☐ DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** Hickory Hollow Inn, 400 feet north of 8038 Fallbrook Drive at a point approximately 1.25 miles west of State Highway 249, Harris County

**TYPE OF OPERATION:** Wastewater treatment facility

**SMALL BUSINESS:** ☒ Yes ☐ No

**OTHER SIGNIFICANT MATTERS:** No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on June 18, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Catherine Albrecht, Enforcement Division, Enforcement Team 1, R-12, (713) 767-3672; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468

**Respondent:** Mr. Anthony John Riedel, President, Hickory Hollow Inn, 8083 Fallbrook Drive, Houston, Texas 77064

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 28, 2006</p> <p><b>Date of NOE Relating to this Case:</b> January 12, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine records review. Three violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to comply with the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13939001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to timely submit monthly DMRs for February, April, August, and September 2006 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 13939001, Monitoring and Reporting Requirements No. 1].</p> <p>3) Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13939001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions].</p>	<p><b>Total Assessed:</b> \$6,370</p> <p><b>Total Deferred:</b> \$1,274  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$5,096</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On August 30, 2006, completed repairs to the electrical system for the water softener to eliminate hydraulic overloading of the Facility and noncompliances with the permitted flow limits;</p> <p>b. On January 31, 2007, submitted the Discharge Monitoring Reports ("DMRs") for August and September 2006;</p> <p>c. On March 15, 2007, submitted the DMRs for February and April 2006; and</p> <p>d. On March 15, 2007, submitted the 2006 annual sludge report.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>Within 60 days after the effective date of this Agreed Order, submit written certification, with detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations for TPDES Permit No. 13939001.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES

Assigned

22-Jan-2007

PCW

15-Mar-2007

Screening

16-Feb-2007

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent Anthony John Riedel dba Hickory Hollow Inn

Reg. Ent. Ref. No. RN101700201

Facility/Site Region 12-Houston

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 32742

Docket No. 2007-0278-MWD-E

Media Program(s) Water Quality

Multi-Media

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

No. of Violations 3

Order Type 1660

Enf. Coordinator Catherine Albrecht

EC's Team EnforcementTeam 1

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$3,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 87% Enhancement Subtotals 2, 3, & 7 \$3,045

Notes

The Respondent has two NOV's for same or similar violations, one NOV for other violations, and 15 self-reported effluent violations.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6 \$0

Total EB Amounts \$2,835  
Approx. Cost of Compliance \$25,200

\*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$6,545

OTHER FACTORS AS JUSTICE MAY REQUIRE

-3%

Adjustment -\$175

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Recommended reduction in the penalty so that monthly self-reported violations don't overly impact the penalty amount.

Final Penalty Amount \$6,370

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$6,370

DEFERRAL

20%

Reduction

Adjustment -\$1,274

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$5,096

Screening Date 16-Feb-2007

Docket No. 2007-0278-MWD-E

PCW

Respondent Anthony John Riedel dba Hickory Hollow Inn

Policy Revision 2 (September 2002)

Case ID No. 32742

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101700201

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	17	85%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 87%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The Respondent has two NOVs for same or similar violations, one NOV for other violations, and 15 self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 87%

Screening Date 16-Feb-2007

Docket No. 2007-0278-MWD-E

PCW

Respondent Anthony John Riedel dba Hickory Hollow Inn

Policy Revision 2 (September 2002)

Case ID No. 32742

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101700201

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13939001, Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with the permitted effluent limits. See attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to comply with the permit limits resulted in the exposure of an insignificant amount of contaminants which did not exceed levels protective of human health or the environment.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 3

181 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended for October 2005 through February 2006 and April 2006.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2,828

Violation Final Penalty Total \$5,460

This violation Final Assessed Penalty (adjusted for limits) \$5,460

## Economic Benefit Worksheet

**Respondent** Anthony John Riedel dba Hickory Hollow Inn  
**Case ID No.** 32742  
**Reg. Ent. Reference No.** RN101700201  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment	\$10,000	1-Oct-2005	30-Aug-2006	0.9	\$30	\$608	\$639
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$15,000	1-Oct-2005	1-Nov-2007	2.1	\$104	\$2,085	\$2,189
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of electrical system repairs to prevent hydraulic overloading of the wastewater treatment system by excessive water softener backwash flows is \$10,000 and plant repairs and upgrades to ensure compliance with permit limits is \$15,000. Date required is the first violation month. Final dates are the date of the completion of electrical repairs and the projected date of compliance with permit limits.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$25,000	<b>TOTAL</b>	\$2,828
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Screening Date 16-Feb-2007

Docket No. 2007-0278-MWD-E

PCW

Respondent Anthony John Riedel dba Hickory Hollow Inn

Policy Revision 2 (September 2002)

Case ID No. 32742

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101700201

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.1 and TPDES Permit No. 13939001,  
Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the monthly Discharge Monitoring Reports ("DMRs") for  
February, April, August, and September 2006.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix  
Notes

Less than 30% of the rule was not met by not submitting monthly DMRs on time.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 4

333 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$400

Four single events are recommended for the February, April, August, and September 2006 reports.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$728

This violation Final Assessed Penalty (adjusted for limits) \$728



## Economic Benefit Worksheet

**Respondent:** Anthony John Riedel dba Hickory Hollow Inn  
**Case ID No.:** 32742  
**Reg. Ent. Reference No.:** RN101700201  
**Media:** Water Quality  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	20-Mar-2006	15-Mar-2007	1.0	\$5	n/a	\$5

Notes for DELAYED costs

Estimated costs of preparing and submitting DMRs based on \$25 per report for four months. Date required is the date the February 2005 DMR was due. Final date is the last submission date for the four delinquent reports.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5



Screening Date 16-Feb-2007

Docket No. 2007-0278-MWD-E

PCW

Respondent Anthony John Riedel dba Hickory Hollow Inn

Policy Revision 2 (September 2002)

Case ID No. 32742

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101700201

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 13939001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule was not met by failing to submit the annual sludge report on time.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 1

169 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended based on the date the annual report was due, September 1, 2006.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$182

This violation Final Assessed Penalty (adjusted for limits) \$182

## Economic Benefit Worksheet

**Respondent:** Anthony John Riedel dba Hickory Hollow Inn  
**Case ID No.:** 32742  
**Reg. Ent. Reference No.:** RN101700201  
**Media:** Water Quality  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2006	15-Mar-2007	0.5	\$3	n/a	\$3

#### Notes for DELAYED costs

Estimated costs of preparing and submitting the 2006 annual sludge report. Date required is the date the annual report was due. Final date is the projected date the annual report was submitted.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$3

Respondent: Anthony John Riedel dba Hickory Hollow Inn  
ID Number: RN101700201  
Docket Number: 2007-0278-MWD-E  
Enf. Coordinator: Catherine Albrecht

Corresponds to Violation Number: 1

OUTFALL 001 EFFLUENT PARAMETERS

Permit Limits

Month/ Year	TSS Dly Avg Conc Limit of 15.0 (in mg/L)	TSS Dly Max Limit of 60.0 (in mg/L)	TSS Dly Avg Load Limit of 0.38 (in lbs/day)	Flow Dly Avg Limit of 0.003 (in MGD)
Oct-05	17.15	c	c	0.003234
Nov-05	20.35	c	0.66	0.003456
Dec-05	30.40	66.40	0.84	0.003247
Jan-06	18.90	c	0.43	c
Feb-06	20.25	70.0	c	c
Apr-06	18.8	c	c	c

Abbreviations:

Total Suspended Solids ("TSS"); Daily Average ("Dly Avg"); Daily Maximum ("Dly Max"); Concentration ("Conc"); milligrams per liter ("mg/L"); pounds per day ("lbs/day"); million gallons per day ("MGD"); and compliant ("c")



## Compliance History

Customer/Respondent/Owner-Operator: CN600918296 RIEDEL, ANTHONY JOHN Classification: AVERAGE Rating: 0.75  
Regulated Entity: RN101700201 HICKORY HOLLOW INN Classification: AVERAGE Site Rating: 0.75  
ID Number(s): WASTEWATER PERMIT WQ0013939001  
WASTEWATER PERMIT TPDES0082988  
WASTEWATER PERMIT TX0082988  
Location: 400 feet north of 8038 Fallbrook Drive at a point approximately 1.25 miles  
west of State Highway 249 in Harris County Rating Date: September 01 06 Repeat Violator: NO  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: February 15, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: February 15, 2002 to February 15, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Catherine Albrecht Phone: (713)767-3672

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 03/04/2002 (206136)  
2 04/01/2002 (206140)  
3 05/10/2002 (206144)  
4 05/28/2002 (206148)  
5 07/03/2002 (206151)  
6 07/29/2002 (206154)  
7 09/16/2002 (206156)  
8 10/07/2002 (206159)  
9 10/24/2002 (206162)  
10 12/02/2002 (206166)  
11 01/10/2003 (206169)  
12 01/31/2003 (206138)  
13 01/31/2003 (206173)  
14 04/10/2003 (206137)  
15 04/10/2003 (206141)  
16 04/28/2003 (206145)  
17 06/04/2003 (315765)  
18 06/06/2003 (60792)  
19 07/08/2003 (315767)  
20 07/22/2003 (145731)  
21 08/06/2003 (315771)  
22 09/08/2003 (315774)  
23 09/26/2003 (315776)  
24 11/03/2003 (315779)  
25 12/01/2003 (315781)  
26 02/02/2004 (315784)  
27 03/11/2004 (315759)  
28 03/29/2004 (315762)  
29 05/03/2004 (360605)  
30 06/04/2004 (360606)  
31 06/21/2004 (315768)  
32 08/31/2004 (360607)

33 10/01/2004 (360608)  
34 10/22/2004 (360609)  
35 11/29/2004 (386650)  
36 01/07/2005 (386651)  
37 01/21/2005 (386652)  
38 02/11/2005 (345826)  
39 03/24/2005 (386649)  
40 04/26/2005 (424471)  
41 06/07/2005 (394779)  
42 06/09/2005 (424472)  
43 07/14/2005 (445218)  
44 08/24/2005 (445219)  
45 09/06/2005 (445220)  
46 10/31/2005 (476407)  
47 11/28/2005 (476408)  
48 01/09/2006 (476409)  
49 01/27/2006 (476410)  
50 03/09/2006 (476406)  
51 04/24/2006 (503479)  
52 06/29/2006 (503480)  
53 07/05/2006 (466645)  
54 07/18/2006 (487399)  
55 07/24/2006 (488056)  
56 08/31/2006 (525842)  
57 08/31/2006 (525843)  
58 11/27/2006 (515386)  
59 01/18/2007 (535388)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/31/2002 (206144)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2002 (206166)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (206173)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (206137)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (206145)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (315765)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2003 (315767)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/05/2003 (60792)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT 13939-001  
Description: Failure to maintain compliance with permitted effluent limits for dissolved oxygen and residual chlorine.

Date: 05/31/2004 (315768)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/11/2005 (345826)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 317 317.4(a)(8)  
30 TAC Chapter 317 317.7(i)  
Description: Failure to provide an approved back-flow prevention device on the potable water system to the wastewater treatment plant.

Date: 07/31/2005 (445220)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (476408)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (476409)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (476410)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (476406)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 11/27/2006 (515386)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
30 TAC Chapter 317 317.6(b)(3)[G]  
Description: Failure to properly operate and maintain the chlorine contact basin.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
30 TAC Chapter 317 317.4(d)[G]  
Description: Failure to properly operate and maintain the clarifier.  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: OP Effluent Limit & Monitoring Req. No. 1.  
Description: Failure to maintain compliance with the permit effluent limits for total suspended solids (TSS).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: OP Effluent Limit & Monitoring Req. No. 6.  
Description: Failure to maintain compliance with effluent permit limits.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: OP Effluent Limit & Monitoring Req. No. 1.  
Description: Failure to maintain compliance with the permit limits for daily average flow.  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: OP Effluent Limits & Monitoring Req. No. 1.  
Description: Failure to maintain compliance with the permit effluent limits for total suspended solids (TSS).



Self Report? NO                      Classification: Major  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: OP Monitoring & Reporting Req. No. 7(c).  
Description: Failure to submit a noncompliance notification.

F. Environmental audits.  
N/A

G. Type of environmental management systems (EMSs).  
N/A

H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.  
N/A

J. Early compliance.  
N/A

Sites Outside of Texas  
N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ANTHONY JOHN RIEDEL DBA  
HICKORY HOLLOW INN  
RN101700201**

§ **BEFORE THE**  
§  
§  
§ **TEXAS COMMISSION ON**  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0278-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Anthony John Riedel dba Hickory Hollow Inn ("Mr. Riedel") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Riedel appear before the Commission and together stipulate that:

1. Mr. Riedel owns and operates a wastewater treatment facility for the Hickory Hollow Inn located 400 feet north of 8038 Fallbrook Drive at a point approximately 1.25 miles west of State Highway 249 in Harris County, Texas (the "Facility").
2. Mr. Riedel has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and Mr. Riedel agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Riedel is subject to the Commission's jurisdiction.
4. Mr. Riedel received notice of the violations alleged in Section II ("Allegations") on or about January 17, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Riedel of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Six Thousand Three Hundred Seventy Dollars (\$6,370) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Riedel has paid Five Thousand Ninety-Six Dollars (\$5,096) of the administrative penalty and One Thousand Two Hundred Seventy-Four Dollars (\$1,274) is deferred contingent upon Mr. Riedel's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Riedel fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Riedel to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Riedel have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Mr. Riedel has implemented the following corrective measures at the Facility:
  - a. On August 30, 2006, completed repairs to the electrical system for the water softener to eliminate hydraulic overloading of the Facility and noncompliances with the permitted flow limits;
  - b. On January 31, 2007, submitted the Discharge Monitoring Reports ("DMRs") for August and September 2006;
  - c. On March 15, 2007, submitted the DMRs for February and April 2006; and
  - d. On March 15, 2007, submitted the 2006 annual sludge report.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Riedel has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Mr. Riedel is alleged to have:

1. Failed to comply with the permitted effluent limits, as listed below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit



No. 13939001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on December 28, 2006:

Month/Year	TSS Dly Avg Conc Limit of 15.0 (in mg/L)	TSS Dly Max Limit of 60.0 (in mg/L)	TSS Dly Avg Load Limit of 0.38 (in lbs/day)	Flow Dly Avg Limit of 0.003 (in MGD)
Oct-05	17.15	c	c	0.003234
Nov-05	20.35	c	0.66	0.003456
Dec-05	30.40	66.40	0.84	0.003247
Jan-06	18.90	c	0.43	c
Feb-06	20.25	70.0	c	c
Apr-06	18.8	c	c	c

Abbreviations:

Total Suspended Solids ("TSS"); Daily Average ("Dly Avg"); Daily Maximum ("Dly Max"); Concentration ("Conc"); milligrams per liter ("mg/L"); pounds per day ("lbs/day"); million gallons per day ("MGD"); and compliant ("c")

2. Failed to timely submit monthly DMRs for February, April, August, and September 2006, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 13939001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on December 28, 2006.
3. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13939001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions, as documented during a record review conducted on December 28, 2006.

### III. DENIALS

Mr. Riedel generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Riedel pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Riedel's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Anthony John Riedel dba Hickory Hollow Inn, Docket No. 2007-0278-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088





2. It is further ordered that Mr. Riedel shall, within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations for TPDES Permit No. 13939001. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Riedel. Mr. Riedel is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. Riedel fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Riedel's failure to comply is not a violation of this Agreed Order. Mr. Riedel shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Riedel shall notify the Executive Director within seven days after Mr. Riedel becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Riedel shall be made in writing to the Executive Director. Extensions are not effective until Mr. Riedel receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.



6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Riedel in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Riedel, or three days after the date on which the Commission mails notice of the Order to Mr. Riedel, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 8/21/2007

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 4/13/2007

ANTHONY JOHN RIEDEL  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Anthony John Riedel dba Hickory Hollow Inn

PRESIDENT  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

